

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF CALIFORNIA  
3

4 UNITED STATES OF AMERICA, ) Case no. 07CR3142-H  
5 )  
6 Plaintiff, ) San Diego, California  
7 )  
8 vs. ) Tuesday,  
9 ) December 11 2007  
10 JOSE LUIS LOPEZ-LOPEZ, ) 9:30 a.m.  
11 )  
12 Defendant. )  
13 )

14 TRANSCRIPT OF CHANGE OF PLEA HEARING  
15 BEFORE THE HONORABLE LEO S. PAPAS  
16 UNITED STATES MAGISTRATE JUDGE

17 APPEARANCES:

18 For the Plaintiff: CHARLOTTE KAISER, ESQ.  
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20 Attorney  
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Proceedings recorded by electronic sound recording;  
transcript produced by transcription service.

1 SAN DIEGO, CALIFORNIA TUESDAY, DECEMBER 11, 2007 9:30 A.M.

2 --oOo--

3 (Call to order of the Court.)

4 THE COURT: Good morning. I want to apologize for  
5 the delay. I had a call from one of the district judges  
6 that had a particular issue to discuss and I -- since I work  
7 for them, I answered the questions. So, I apologize for the  
8 delay. You suffered the consequence of that.

9 THE CLERK: Calling number seven on the calendar,  
10 07CR3076-LAB, United States of America versus Pancho Garcia-  
11 Lopez, and number ten, 07CR3142-H, United States of America  
12 versus Jose Luis Lopez-Lopez.

13 MR. BROWN: Good morning, your Honor. William  
14 Brown for Mr. Garcia who is present before the Court.

15 MR. LITTMAN: Good morning, your Honor. Michael  
16 Littman for Mr. Jose Lopez-Lopez who is also present in  
17 court, your Honor, in custody, being assisted by the court  
18 certified Spanish interpreter.

19 THE COURT: Thank you.

20 MS. KAISER: Good morning, your Honor. Charlotte  
21 Kaiser on behalf of the United States for both matters.

22 THE COURT: Thank you very much. Okay, I  
23 understand that in both these matters there is a request for  
24 additional time?

25 MR. BROWN: There is, your Honor, a joint request.

1 THE COURT: Okay.

2 MR. LITTMAN: I do want to let the Court know that  
3 originally we did need some more time to resolve some issues  
4 in Mr. Lopez's case and he's indicated to me this morning  
5 that he was wanting to plead guilty and I keep wavering, but  
6 we do need some additional time and I think the best thing  
7 to do is just -- I was told we just set some dates in front  
8 of the assigned district court judge.

9 THE COURT: Okay, so what date -- how do you want  
10 to proceed, Mr. Littman, on your matter? Or Mr. Brown,  
11 either one of you, I don't care. Whoever wants to go first.  
12 Go ahead, Mr. Brown, how much time do you want?

13 MR. BROWN: Sorry, your Honor, triple booked this  
14 morning. What we are jointly requesting of the Court is to  
15 set a motion hearing, trial setting date before Judge Burns  
16 whose case this is assigned to, no more than three weeks out  
17 or thereabouts. That would enable us to file some motions  
18 today.

19 We anticipate settlement in the case however and  
20 would ask to -- leave from the Court, which we've already  
21 got from Judge Burns, to either re-calendar it before you or  
22 Judge Thompson to dispose of the matter completely, if all  
23 goes according to plan, before that motion setting date.

24 THE COURT: Let's back up. I'm not sure I  
25 understand. You want a joint motion for a continuance in



1 each of your cases, but you're coordinating it? Aren't they  
2 separate --

3 MR. LITTMAN: He says "joint" meaning -- he and I  
4 aren't -- "joint" meaning he and the Government.

5 THE COURT: Oh, okay. I apologize. So, I've  
6 received from Judge Burns' chambers an indication that a  
7 motion hearing, trial setting date would be January 22 at  
8 2:00 o'clock.

9 (Pause while the Court heard other matters.)

10 THE COURT: And then Mr. Littman, in your matter?

11 MR. LITTMAN: Your Honor, actually that was going  
12 to be my proposal also, is that just to set some dates, do  
13 court dates under Judge Huff.

14 THE COURT: Okay.

15 MR. LITTMAN: And we may be able to resolve this  
16 case and then I'll contact your court clerk to calendar  
17 dispos.

18 THE COURT: Okay. I'll set the same date, the  
19 22nd of January at --

20 MR. LITTMAN: Would I get to contact Judge -- I  
21 won't be here on the 22nd. Would I --

22 THE COURT: Check with her clerk, and if she can  
23 give you another date --

24 MR. LITTMAN: I will, that's fine.

25 THE COURT: So, I'll set it -- Mr. Lopez-Lopez, in

1 your matter I'm going to set a hearing date before Judge  
2 Huff on January 22 at 2:00 o'clock. That would be a motion  
3 hearing and trial setting date and as Mr. Littman indicated  
4 -- and I guess it's true for Mr. Garcia-Lopez as well --  
5 that both your attorneys will work with you to either set up  
6 an agreement with the Government on your case or if the case  
7 proceeds to trial, these are the dates you'll be set for --  
8 to talk with the judge about setting a schedule for that.

9 All right? Okay, so we need to do the superseding  
10 -- and so Mr. Lopez-Lopez, we're finished with your matter,  
11 sir, and so I'll either see you back here or you will see  
12 Judge Huff.

13 MR. LITTMAN: Thank you, your Honor.

14 THE COURT: Thanks.

15 (Pause while the Court heard other matters.)

16 (Proceedings concluded.)  
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1 I certify that the foregoing is a correct  
2 transcript to the best of my ability from the electronic  
3 sound recording of the proceedings in the above-entitled  
4 matter.

5  
6 Sheri Kattuca 2/15/08  
7 Transcriber Date

8 FEDERALLY CERTIFIED TRANSCRIPT AUTHENTICATED BY:

9 L.L. Francisco  
10 L.L. Francisco, President  
Echo Reporting, Inc.

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